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FROM: Deirdre L. Conley
Registration No.: 36,487

RE: Terminal Disclaimer
U.S. Serial No.: 09/480,977
Our Docket No.: P1084R1C1

No. of Pages: 10

CONFIDENTIAL NOTE

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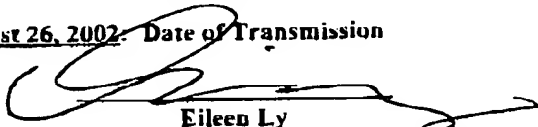
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Patent Docket P1084R1C1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Paul J. Godowski et al. Serial No.: 09/480,977 Filed: 11 January 2000 For: ErbB4 RECEPTOR-SPECIFIC NEUREGULIN RELATED LIGANDS AND USES THEREFOR	Group Art Unit: 1642 Examiner: J. Hunt CERTIFICATION OF FACSIMILE TRANSMISSION I hereby certify that this correspondence is being facsimile transmitted to Examiner J. Hunt at (703) 305-3014, Patent and Trademark Office, Washington, D.C. 20231. <u>August 26, 2002</u> Date of Transmission  Eileen Ly
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TERMINAL DISCLAIMER UNDER 37 CFR § 1.321(c)
TO OBVIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT

Honorable Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Sir:

Genentech, Inc., assignee of the above-referenced application, having a place of business at 1 DNA Way, South San Francisco, California 94080-4990 in the county of San Mateo has reviewed the evidentiary documents set forth herein below and certifies to the best of Genentech's knowledge and belief that title in and to the herein application and in the referenced U.S. Patent No. 6,121,415 reside in Genentech, Inc.

The assignee, Genentech, Inc., represents that it is the owner of the entire right, title, and interest in and to application U.S. Serial No. 09/480,977, filed 11 January 2000, by virtue of an assignment recorded on January 8, 1998 at Reel 8894, Frame 0870, and is also the owner of the entire right, title and interest in and to U.S. Patent No. 6,121,415, filed July 24, 1997 and issued

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The assignee, Genentech, Inc., hereby disclaims the terminal part of any patent granted on

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the herein application Serial No. 09/480,977 that would extend beyond the expiration date of the full statutory term as presently shortened by any terminal disclaimer of said U.S. Patent No. 6,121,415, and hereby agrees that any patent so granted on the herein application 09/480,977 shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,121,415, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, assignee, Genentech, Inc., does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of U.S. Patent No. 6,121,415 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above. Assignee, Genentech, Inc., reserves the right to extend the shortened term of any patent granted on the above-identified application due to regulatory delays pursuant to 35 U.S.C. §156.

The undersigned is an attorney of record and is authorized under 37 CFR § 1.321(c) (in compliance with 37 CFR § 1.321(b)(1)(iv)) to sign this document on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

U.S. Serial N . 09/480,977
Parent Docket No. P1084R1C1

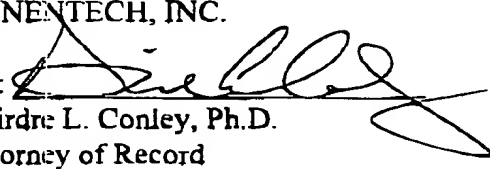
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The Commissioner is authorized to charge the statutory fee of \$110 required for filing this Disclaimer to Deposit Account No. 07-0630. Please charge any deficiency or credit any overpayment to Account 07-0630. A duplicate of this sheet is enclosed.

Respectfully submitted,

GENENTECH, INC.

Date: August 26, 2002

By: 
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